

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Maldjian & Fallon LLC
Brian M. Gaynor (BG 0387)
365 Broad Street, Third Floor
Red Bank, New Jersey 07710
Attorneys for Defendant,
Marcos Falchi

Cyber Champion International, Ltd.

Case No.: 07 CIV 9503 (LAK)

vs.

NOTICE OF MOTION

Carlos Falchi, Marcos Falchi, and
XYZ Companies

Motion By: Defendant Marcos Falchi.

Relief Requested: An order, pursuant to F.R.C.P. 12(b)(5), F.R.C.P. 12(b)(6), and F.R.C.P. 9(b), dismissing the complaint.

Supporting Papers: Declaration of Brian M. Gaynor, Esq.; Declaration of Defendant Marcos Falchi;; summons and compliant herein; memorandum of law.

Opposing Papers: Must be served within 10 business days after service of these moving papers, pursuant to Local Civil Rule 6.1(b).

Dated: Red Bank, New Jersey
January 17, 2008


Brian Gaynor, Esq. (BG 0387)
MALDJIAN & FALLON LLC
365 Broad Street, Third Floor
Red Bank, New Jersey 07701
P.732.275.3100
F.732.530.2039
bgaynor@mfiplaw.com
Attorneys for Defendant

To: Dwight Yellen, Esq.
Ballou Stoll Bader & Nadler, P.C.
1450 Broadway - 14th Floor
New York, NY 10018-2268

Harlan M. Lazarus, Esq.
Lazarus & Lazarus
240 Madison Avenue
New York, NY 10016
212-889-7400